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APPLICATION NUMBER

FILING OR 371 (c) DATE

ATTORNEY DOCKET NUMBER

10/743.704

12/22/2003

FIRST NAMED APPLICANT Tim Keith

2976-4037US1

**CONFIRMATION NO. 8966** 

MORGAN & FINNEGAN, L.L.P. 345 Park Avenue New York, NY 10154-0053

**FORMALITIES LETTER** 

\*OC000000015182266\*

Date Mailed: 02/14/2005

### NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

#### Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The signature of the following inventor(s) is missing from the oath or declaration: Sunil Pandit
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37

2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

To Download Patentin Software, visit http://www.uspto.gov/web/patents/software.htm For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (571) 272-0951
- For Patentin Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday,
- Send e-mail correspondence for Patentin Software Program Help @ ebc@uspto.gov

### **SUMMARY OF FEES DUE:**

Total additional fee(s) required for this application is \$130 for a Large Entity

• \$130 Late oath or declaration Surcharge.

# **Items Required To Avoid Processing Delays:**

The item(s) indicated below are also required and should be submitted with any reply to this notice to avoid further processing delays.

Proof of authority of the legal representative under 37 CFR 1.44.

Replies should be mailed to:

Mail Stop Missing Parts

**Commissioner for Patents** 

P.O. Box 1450

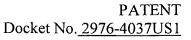
Alexandria VA 22313-1450

A copy of this notice <u>MUST</u> be returned with the reply.

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE





# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS:

Tim Keith, et al.

SERIAL NO

10/743,704

ART UNIT: TBA (1646 in parent)

**FILED** 

December 22, 2003

EXAMINER: TBA (J. Einsmann in parent)

FOR

NOVEL HUMAN GENES RELATED TO RESPIRATORY

DISEASES AND OBESITY

RESPONSE TO NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION FILED UNDER 37 CFR 1.53(b)

Mail Stop Missing Parts Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

In response to the Notice to File Missing Parts of Application, dated February 14, 2005 submitted herewith is a Request for Transfer of Computer Readable Sequence Listing Under 37 C.F.R. §1.821(e); a copy of an executed Combined Declaration and Power of Attorney and Petition Under 37 C.F.R. §1.47(a) (including Exhibits 1-11) submitted herewith in compliance with 37 C.F.R. §1.63 as filed in the parent application (USSN. 09/627,465; new U.S. Patent No. 6,737,519) on April 3, 2001; Granted Petition dated June 14, 2001; and late oath or declaration surcharge fee (\$130). Also enclosed is a copy of the Notice to File Missing Parts.

The Commissioner is hereby authorized to charge any additional fees which may be required by this paper, or credit any overpayment to Deposit Account No. 13-4500. Order No. 2976-4037US1. A DUPLICATE COPY OF THIS SHEET IS ATTACHED.

Respectfully submitted,

MORGAN & FINNEGAN, L.L.P.

Dated: April 13, 2005

Evelyn M. Kwon

Registration No. 54,246

Correspondence Address: MORGAN & FINNEGAN, L.L.P. 3 World Financial Center New York, New York 10281-2101 (212) 415-8700 Telephone (212 415-8701 Facsimile